



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

NOV 10 2015

OFFICE OF  
ADMINISTRATION  
AND RESOURCES  
MANAGEMENT

**CERTIFIED MAIL via email**

**jamesl@battelle.org**

LaDonna James  
Battelle Memorial Institute, Corporate Operations  
505 King Avenue  
Columbus, Ohio 43201-2696

Reference: [1] Freedom of Information Act Request **EPA-HQ-2013-007429**  
[2] **10-DAY NOTICE TO CONTRACTOR**

Dear Ms. James:

The Environmental Protection Agency (EPA) received a request under the Freedom of Information Act (FOIA) for a copy of the winning proposal submitted in response to Request for Proposal (RFP) SOL-NC-12-00021, which resulted in the award of Contract EP-D-13-005. You had asserted a claim of confidentiality for this material.

In accordance with the Agency Class Determination 1-95, I have determined that all portions of Battelle Memorial Institute, Corporate Operations (Battelle), with the exception of the following documents, are entitled to confidential treatment and will not be disclosed.

1. Title pages
2. Table of contents – with the exception of the following:  
Interrogatories that appear in the Final Proposal Revision/Best and Final Offer, submitted on September 6, 2012
3. Section K – Representations, Certifications, and Other Statement of Offerors/Bidders – all portions with the exception of:
  - a. Taxpayer Identification Number
  - b. Data Universal Numbering System (DUNS) numbers
4. Section L – Instruction, Conditions, and Notices to Bidders, Pages L-9 through L-11 – all portions except for:
  - a. Commercial sales and total sales amounts reported for previous fiscal year accounting period

Internet Address (URL). <http://www.epa.gov>

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- b. Information on contractor's system of estimating and accumulating cost under Government contracts
- c. Indirect cost rates

However, for the reasons set forth in the Class Determination, the information pertaining to the names of contractor's key personnel, email addresses, telephone numbers, names of subcontractors, accounting cost system, Other Direct Costs, DUNs number, and Taxpayer Identification Number that appear in the above-mentioned documents are entitled to confidential treatment and are withheld. For your convenience, I have attached a redacted copy and unredacted copy of those portions of Battelle's proposal. You can view the EPA Class Determination I-95 by going to this link <http://www.epa.gov/oam/foia/i95.pdf>.

With respect to the information which is not entitled to confidential treatment, I am notifying you, pursuant to Title 40 CFR §2.205(f), that this constitutes the final EPA action concerning your business confidentiality claim for this information. This action may be subject to judicial review under Chapter 7 of Title 5 of the United State Code. The EPA will make the information which is not entitled to confidential treatment available to the public on the tenth working day after the day on which you receive this letter unless the EPA receives notice from you that you have instituted suit in a Federal Court to obtain judicial review of this action and to obtain preliminary injunctive relief against disclosure. Even if you do notify the EPA that you have instituted judicial proceedings, the Agency may nonetheless release the information (in the absence of an order by the court to the contrary) in the following circumstances:

1. If the Court has denied a motion for a preliminary injunction or has otherwise upheld the EPA action, or
2. If it appears to the EPA, after reasonable notice to you, that you are not taking appropriate measures to obtain a speedy resolution of the action.

You may request an extension of the ten-day period for filing. However, no extension will be granted, except in extraordinary circumstances, without the permission of the person who has made the request for the information.

Please address your notice to:

Lynn Kelly  
U.S. Environmental Protection Agency  
Office of General Counsel (7426Q)  
Office of Deputy General Counsel  
Grants, Contracts and General Law Division  
1200 Pennsylvania Avenue N.W.  
Washington, DC 20460  
Telephone: (202) 564-3266

Any other correspondence regarding **EPA-HQ-2013-007429** should be addressed to:

Mildred A. Jackson  
U.S. Environmental Protection Agency  
Policy, Training and Oversight Division  
Management Support Service Center (3802R)  
1200 Pennsylvania Avenue N.W.  
Washington, DC 20460

Please also reference for identification purposes **EPA-HQ-2013-007429** in any communication. Should there be any questions regarding this notice, please do not hesitate to contact Mildred Jackson at area code 202/564-4359 or via e-mail at [jackson.mildred@epa.gov](mailto:jackson.mildred@epa.gov).

Sincerely,



Rodney Daryl-Jones, Acting Division Director  
Office of Acquisition Management  
RTP Procurement Operations Division (E105-02)